

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ,  
Plaintiff

v.

MICHAEL MALONEY, et al.,  
Defendants

DEFENDANTS' MOTION TO ENLARGE

The defendants Joseph Rackett, David Bolduc, Edward Ficco, Brian McManus, Robert Lashua, David Shaw, Charles Hooper, Edmund Preston, John Flowers, and Michael Cravedi, in the above-captioned action, and move the Court pursuant to Fed. R. Civ. P. 6(b) to enlarge the time for them to respond to the plaintiff's Complaint, to and including November 1, 2005. <sup>1</sup>

As grounds, these ten defendants state that undersigned counsel was just assigned to represent them in this *pro se* Commonwealth of Massachusetts state prisoner action alleging negligence, deliberate indifference, and excessive use of force under the Eighth Amendment on June 26, 2002. Because of the extraordinary number of inmate suits filed against the Department of Correction, totaling about one hundred new

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<sup>1</sup> Undersigned counsel does not represent Michael Maloney or Eugene Marsolais, who no longer work for the Department of Correction, and who have not been personally served with summonses and a copy of the complaint.

complaints per month, for a total of 3,900 presently pending cases, no other attorney was available to represent defendants before this time. She needs the additional time to adequately investigate the allegations present here, obtain records and other evidence, interview the ten defendants and draft an adequate response to the complaint.

The plaintiff will not be prejudiced by the enlargement of time.

Respectfully submitted,

The defendants,  
By their attorneys,

Dated: October 4, 2005

NANCY ANKERS WHITE  
Special Assistant Attorney General  
/s/ Margaret Melville

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